

STATE OF SOUTH CAROLINA

(Caption of Case)

Genesis Telecommunications, LLC, Complainant,
v. United Telephone of the Carolinas d/b/a
CenturyLink (f/k/a Embarq), Defendant/Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 311 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

Address: Ellis, Lawhorne & Sims, PA

PO Box 2285

Columbia SC 29202

SC Bar Number: 11208

Telephone: 803-343-1270

Fax: 803-799-8479

Other:

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other:

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input checked="" type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

January 19, 2010

VIA ELECTRONIC MAIL SERVICE

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
PO Drawer 11649
Columbia SC 29211

RE: Genesis Telecommunications, LLC, Complainant,
v. United Telephone of the Carolinas d/b/a CenturyLink (f/k/a Embarq),
Defendant/Respondent
Docket No. 2009-311-C, ELS File No. 2194-11696

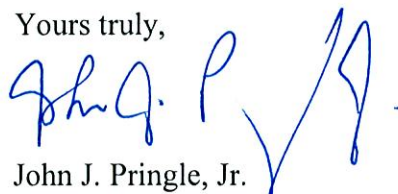
Dear Mr. Terreni:

Enclosed for filing on behalf of Genesis Telecommunications, LLC is the **Prefiled Rebuttal Testimony of John Lawrence** in the above-referenced docket.

Please call if you have any questions.

With kind regards, I am

Yours truly,

A handwritten signature in blue ink, appearing to read "John J. Pringle, Jr.", with a stylized flourish at the end.

John J. Pringle, Jr.

JJP/cr

cc: Nannette S. Edwards, Esquire (via electronic mail service)
Scott Elliott (via electronic mail service)
Susan Masterton (via electronic mail service)
Mr. John Lawrence (via electronic mail service)

BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKET NO. 2009-311-C

IN RE:

Genesis Telecommunications, LLC,
Complainant, v. United Telephone of
the Carolinas d/b/a CenturyLink (f/k/a
Embarq), Defendant/Respondent

**REBUTTAL TESTIMONY OF
JOHN LAWRENCE**

Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.

A. My name is John Lawrence and I am the president of Genesis
Telecommunications, LLC. My business address is 1117 Reynolds Ave,
Greenwood, SC, 29649.

**Q. WHAT EXPERIENCE DO YOU HAVE IN BUSINESS AND
TELECOMMUNICATIONS?**

A. I have worked in telecommunications for the past ten years. I have been with
Genesis Telecommunications since it was started, and have played a major role in
its development. I have performed a full range of tasks, including but not limited
to establishing the necessary codes for operation, negotiating our interconnection
agreements, interconnecting with CenturyLink, network design, switch
programming and translations, collocation design and implementation.

**Q. IS CENTURYLINK CURRENTLY PROVIDING DS1 LOOPS AS STATED
IN THEIR WITNESS TESTIMONY?**

1 A. No, CenturyLink is not providing DS1 Loops as described in Part A of the
2 Interconnection, Collocation and Resale Agreement between CenturyLink and
3 Genesis (the "Agreement"):

4 1.44. "DS1 Loop" is a digital Local Loop having a total digital signal speed of
5 1.544 megabytes per second. DS1 *Loops* include, but are not limited to, two-wire
6 and four-wire Copper Loops capable of providing high-bit rate digital subscriber
7 line services, including TI services.
8

9 The Code of Federal Regulations – Title 47, Part 51.319 – Specific unbundling
10 requirements, also defines a DS1 loop.
11

12 (4) DS1 loops. (i) Subject to the cap described in paragraph (a)(4)(ii) of this
13 section, an incumbent LEC shall provide a requesting telecommunications carrier
14 with nondiscriminatory access to a DS1 loop on an unbundled basis to any
15 building not served by a wire center with at least 60,000 business lines and at least
16 four fiber-based collocators. Once a wire center exceeds both of these thresholds,
17 no future DS1 loop unbundling will be required in that wire center. A DS1 loop is
18 a digital local loop having a total digital signal speed of 1.544 megabytes per
19 second. DS1 loops include, but are not limited to, two-wire and four-wire copper
20 loops capable of providing high-bit rate digital subscriber line services, including
21 T1 services.

22 CenturyLink is providing a service, but a service that is only a fraction, 1/8th to
23 be precise, of a DS1 Loop as defined in the Agreement and in the Code of Federal
24 Regulations.
25

26 **Q. IS CENTURYLINK'S RESPONSE ON THE BASIS FOR THE GENESIS**
27 **CLAIM REGARDING THE 4-WIRE XDSL LOOPS ACCURATE?**

28 A. No, Genesis never claimed that the 4-wire xDSL loop was the product it always
29 wanted to order from them. However, an inquiry was placed about the 4-wire
30 loops and how to order them. A conference call was setup and one of the
31 attendants from CenturyLink mentioned that Genesis should order them the exact
32 way they have been ordering the DS1 Loops.

1 **Q. IS CENTURYLINK'S DESCRIPTION OF THE SITUATION OVER**
2 **CONVERTING DS1 LOOPS TO XDSL-CAPABLE LOOPS ACCURATE?**

3 A. No, Genesis was trying to work with CenturyLink and migrate the DS1 loops to a
4 different product. CenturyLink met us with an ultimatum that was impossible to
5 fulfill. Mr. Grimaldi's letter stated they must be converted by April 15th. Genesis
6 inquired many times prior to the deadline on how to order these loops, but
7 CenturyLink did not provide that information until May 4th. CenturyLink told
8 Genesis to order 2 2-wire loops instead and they would bill at the 4-wire rate.
9 However, when ordering the loops this did not happen either and more disputes
10 had to be filed to correct the billing.

11
12 **Q. IS CENTURYLINK'S RESPONSE ABOUT HOW A DS1 LOOP IS**
13 **DEFINED ACCURATE?**

14 A. Yes, as set out above, a DS1 loop is defined as "a digital Local Loop having a
15 total digital signal speed of 1.544 megabytes per second. DS1 Loops include, but
16 are not limited to, two-wire and four-wire Copper Loops capable of providing
17 high bit rate digital subscriber line services, including T1 services."

18
19 **Q. IS CENTURYLINK ACCURATE IN STATING THAT THE GENESIS**
20 **CLAIMS ON THE SPEED OF A DS1 ARE NOT VALID?**

21 A. No, the Genesis claims are accurate. A DS1 Loop is defined in the Agreement and
22 the Federal Code of Regulations. CenturyLink is not providing the DS1 Loop as
23 it is obligated to do.

1 Q. IS CENTURYLINK CORRECT IN STATING THAT SECTION 45.8.7 OF
2 THE INTERCONNECTION AGREEMENT APPLIES TO DS1 LOOPS?

3 A. No, that section does not apply to the DS1 loops and the provision of same, but
4 rather sets out standards applicable to the underlying technologies that connect to
5 those loops.
6

7 Q. SHOULD SERVICE BE DISCONNECTED TO GENESIS, WILL
8 GENESIS' CUSTOMERS HAVE VIABLE ALTERNATIVES TO
9 CONTINUE RECEIVING THE SAME OR COMPARABLE SERVICES?

10 A. No. In fact, our customers will not only have their services disconnected, but may
11 face having to replace their entire phone and data equipment networks. This
12 would not be in the public interest.
13

14 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

15 A. Yes it does.

**BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKET NO. 2009-311-C**

IN RE:

Genesis Telecommunications, LLC,
Complainant, v. United Telephone of
the Carolinas d/b/a CenturyLink (f/k/a
Embarq), Defendant/Respondent

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of the **Pre-filed Rebuttal Testimony of John Lawrence** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE

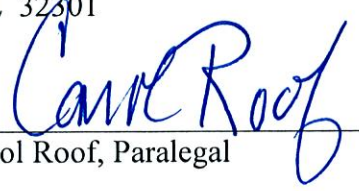
Nannette S. Edwards, Esquire
Office of Regulatory Staff
Legal Department
PO Box 11263
Columbia SC 29211

VIA ELECTRONIC MAIL SERVICE

Scott Elliott, Esquire
Elliott & Elliott, PA
721 Olive Street
Columbia SC 29205

VIA ELECTRONIC MAIL SERVICE

Susan S. Masterton, Counsel
CenturyLink
315 South Calhoun St.
Suite 500
Tallahassee FL 32301



Carol Roof, Paralegal

January 19, 2010
Columbia, South Carolina